

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

UNITED STATES OF AMERICA §
VS. § NO. 4:19-cr-00786
ALEXANDRA SMOOTS-THOMAS §

**UNOPPOSED MOTION TO CONTINUE JURY TRIAL
AND TO ENTER A NEW SCHEDULING ORDER**

TO THE HONORABLE LYNN N. HUGHES, UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF TEXAS, HOUSTON DIVISION:

COMES NOW, ALEXANDRA SMOOTS-THOMAS, defendant, by and through her undersigned counsel, and respectfully moves this Honorable Court to continue the jury trial and enter a new scheduling order and for good cause would show as follows:

I.

Motions are due on July 27, 2020. Pretrial conference is set for September 8, 2020 at 2:30 p.m. and Jury selection and trial is set for September 15, 2020 at 9:00 a.m.

II.

Discovery review and production in this case is still on-going. Due to the sensitive nature of a critical batch of the discovery, it is only available to be viewed at the United States Attorney's Office in Houston. The particular discovery that is

kept at the U.S. Attorney's Office for review by defense counsel cannot be released to counsel or disseminated outside of the United States Attorney's Office. Prior to the Covid-19 pandemic, counsel for defendant had spent several hours at the U.S. Attorney's Office reviewing the discovery, but there is still a significant amount that needs to be reviewed. Counsel for the government has informed counsel for the defendant that at this time the Houston office of the U.S. Attorney's Office remains closed due to Covid-19. Counsel for the government is not able to access the additional discovery, nor is defense counsel. A review of this discovery is necessary prior to the preparation and filing of pre-trial motions; in as much as the matters contained therein may impact the necessity of filing said motions.

Because of the rising tide of Covid-19 confirmed cases and deaths in the state of Texas at this time, counsel for the government is not in position to tell defense counsel when the discovery will be available. At this time, both counsel are confident that it will not be a date that will provide defense counsel with adequate time to review and then use for trial preparation.

The parties agree that failure to grant a continuance in this case would deny the defendant the reasonable time necessary for effective preparation, taking into account the exercise of due diligence, and would result in a miscarriage of justice. For the following reasons, counsel for defendant respectfully request a continuance of at least 60 days after the reopening of the Untied States Attorney's Office.

This motion is made, not for the purpose of delay, but that justice may be done. WHEREFORE, PREMISES CONSIDERED, Defendant, respectfully prays that the Court grant this motion.

Respectfully submitted,

/s/ Kent A. Schaffer

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Counsel for Defendant,
ALEXANDRA SMOOTS-THOMAS

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§

CERTIFICATE OF CONFERENCE

Counsel for defendant conferred with AUSA Ted Imperato concerning his position on Defendant's Motion for Continuance. Mr. Imperato stated that the Government is unopposed to this motion.

/s/ Kent A. Schaffer

Kent A. Schaffer

CERTIFICATE OF SERVICE

I hereby certify that on July 27, 2020, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send an email notification of this filing to all registered parties.

/s/ Kent A. Schaffer

Kent A. Schaffer